

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DELORES CHAPMAN

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 4:05CV99-P-B

**JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER

ORDER DISMISSING CASE

Upon consideration of the file and record of this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated August 16, 2005, was on that date duly served by regular mail upon the *pro se* plaintiff and the defendant at their last known addresses, that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated August 16, 2005, is approved and adopted as the opinion of the Court;
2. That all of the claims of the plaintiff are hereby dismissed without prejudice for lack of subject matter jurisdiction due to plaintiff's failure to exhaust her administrative remedies;
and

3. That the Clerk shall forthwith **CLOSE** this case.

THIS, the 27th day of January, 2006.

/s/ W. Allen Pepper, Jr._____

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE